

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRANDON LAMONT PIERCE,

Plaintiff,

v.

SPOKANE COUNTY JAIL and
MEDICAL DR. KENNEDY,

Defendants.

NO: CV-11-440-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION

Magistrate Judge Imbrogno filed a Report and Recommendation on April 6, 2012, recommending Mr. Pierce's action be dismissed for failure to comply with the filing fee requirements. ECF No. 9. Specifically, Mr. Pierce failed to pay either the filing fee or to complete and file a financial affidavit as required by 28 U.S.C. § 1915(a)(1). Plaintiff had initiated this action while incarcerated but was subsequently released. There is no mechanism for collecting the filing fee in

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1 partial payment once a prisoner has been released from incarceration. *See* 28
2 U.S.C. § 1915(b)(2).

3 There being no objections, the Court **ADOPTS** the Report and
4 Recommendation. This action is **DISMISSED WITHOUT PREJUDICE** for
5 failure to obey a Court Order to comply with the filing fee requirements of 28
6 U.S.C. §§ 1914(a) and 1915(a).

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order, enter judgment, forward a copy to Plaintiff and close the file. The Court
9 certifies any appeal of this dismissal would not be taken in good faith.

10 **DATED** this 27th day of April 2012.

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13 *s/ Rosanna Malouf Peterson*
ROSANNA MALOUF PETERSON
14 Chief United States District Court Judge
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